

United States District Court

EASTERN DISTRICT OF WISCONSIN

JUDGMENT IN A CIVIL CASE

FRED V. EASON,

Plaintiff,

v.

CASE NUMBER: **03-C-812**

JOHN E. POTTER,
Postmaster General, United States Postal Service,

Defendant.

- Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- Decision by Court.** This action came on for consideration and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that defendant John E. Potter's motion for summary judgment is GRANTED on Plaintiff's claims of violations of Title VII of the Civil Rights Act of 1964 and the Rehabilitation Act.

(1) Plaintiff's allegations of racial discrimination on December 11, 2000 and in February, 2001 are time barred and are DISMISSED;

(2) Plaintiff has not presented evidence demonstrating that he is an "individual with a disability" within the meaning of the Rehabilitation Act therefore this claim is DISMISSED;

(3) Plaintiff's allegation of retaliation and racial discrimination because he did not receive a recommendation for the Associate Supervisor Program is without merit and is DISMISSED because Plaintiff has not suffered an "adverse employment action." Plaintiff has also not shown that the other negative evaluations, denials of his vacation

requests, and the denial of his transfer request are adverse employment actions and these claims are DISMISSED;

(4) Plaintiff's claim of a hostile work environment is DISMISSED because plaintiff has not established a *prima facie* case.

This action is hereby DISMISSED.

September 5, 2006

Date

SOFRON B. NEDILSKY

Clerk

s/ Linda M. Zik

(By) Deputy Clerk